

**ZONING BOARD OF APPEALS
SPECIAL MEETING
for
Revised City of Rockford Zoning Ordinance**

**Tuesday, October 23, 2007
6:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street**

Present:

ZBA Members: Tom Morgan, Chairman
Alice Howard
Fred Money
William Orr
David Peterson
Tom Przytulski, Jr.
Dan Roszkowski

Absent:

Staff: Todd Cagnoni – Manager of Current Planning
Sandra Hawthorne – Administrative Assistant
Jon Hollander – City Engineer, Public Works
Kerry Partridge – City Attorney, Legal Department
Wayne Dust – Planning Coordinator
Reid Montgomery – Director of Economic & Community Development

Others: Tom Smith, Consultant with Duncan & Associates
Vic Fillipini, Attorney with Holland & Knight
Alderman Doug Mark
Kathy Berg, Stenographer
Applicants and Interested Parties

The meeting started at 6:35 P.M.

Chairman Morgan opened the meeting with an explanation of the process and procedure for this meeting. He notified those present that a copy of the revisions before the Board has been available on the City's web site for several weeks. He further notified that these revisions may be reviewed in the Zoning Division at City Hall and could also be purchased for a duplication fee.

Mr. Cagnoni presented background information on how the rewriting of the Zoning Ordinance process occurred, starting in the Spring of 2006. A Zoning Advisory Rewrite Committee was appointed by the Mayor. This Committee was chaired by Alderman Doug Mark, and the members consisted of Alderman Lenny Jacobson, Alderman Frank Beach, Scott Sanders (Architect/Landscape), David Coady (Engineer), Tom Morgan (Zoning Board of Appeals), Alice Howard (Realtor and Zoning Board of Appeals), Brandan Maher, Brad Englin, David Sidney, and Gary Anderson (Architect). In March of 2006, the committee released the "Big Ideas" report, which set perimeters and goals that were hoped to be accomplished with the new City Ordinance.

Tom Smith – Duncan & Associates – reviewed the Summary of Proposed Major Changes. Major themes discussed through slide presentation were Job Creation; Quality Standards for New Residential Development; Organization, Format and Usability; Strengthening the Role of Downtown Districts; Encouraging Rehab, Reuse and Reinvestment; Enhancing the Riverfront; Promoting Mixed Use and Redevelopment, and Environmental Enhancement and Protection. Areas of discussion were:

Job Creation A large portion of this goal centers around the airport. Mr. Smith presented a chart showing growth pattern of the movement of air cargo tonnage out of the city, stating the airport would like to move air cargo to a secondary position and make passenger movement first priority. Truck transportation and cargo movement chart was also shown. The plan is to create an I-3 Zoning District around the airport, which would encourage new industry and growth. This type of work environment would result in higher paying jobs that would benefit both the city and citizens of Rockford.

Residential standards

Alternative designs for parking are incorporated into the revised ordinance. Subdivisions having 40 or more homes would require some of the garages to be side or rear loading. This is to avoid the current look that is prevalent in a lot of major subdivisions of the garage dominating the house. The addition of a tree in the front or side yard will be required for single-family homes. In multi-family developments, an area – to be determined by individual development - will be required to be devoted to greenspace. It is the intent of the ordinance to promote conservation within subdivisions. Different options to achieve this are open to the developer.

Strengthen downtown

One of the goals of the revision is to encourage rehab and reuse of existing downtown buildings. Reduced parking requirements and flexible setback and side yard requirements are part of the method of achieving this goal. Amendments would allow more variety without coming before the Zoning Board of appeals. The use of existing parking before establishing new is promoted, with shared parking in central locations creating more feasible parking requirements. If a building is demolished and rebuilt, parking will be required to be in the rear, with the windows and doors of the building facing the pedestrian street.

Protecting riverfront

The current setback requirement only applies to the downtown river area. The new ordinance applies city-wide. Since most of the existing residential structures already have the current setback, they will not be affected when requesting building additions.

Landscaping code

The current code requires landscaping around the perimeter of the lot, but not much on interior. Under the new code, some landscaping can move to the interior, and interior landscaping will also be established. A setback to include landscaping adjacent to the building is also provided in the new code.

Townhomes

In the majority of cases, townhouse development will be allowed without the requirement of coming before the Zoning Board of Appeals for setback variations. Front and side setbacks are more flexible to encourage development.

User Friendly

The new Zoning Ordinance has been written in such a way as to be user friendly for the general public. There are over 60 illustrations of drawings, charts, and examples for ease in understanding the requirements of code. This format was established to encourage investment and improvements in properties as a positive use.

Attorney Vic Fillipini, Holland & Knight, reviewed the areas of liquor regulation and administrative adjustments. He stated in the past the sale of liquor was regulated by the Zoning Board of Appeals and was attached to the property. With changes in the Illinois law about the role of Special Use Permits, this process counteracts the liquor code because it is attached to a property right rather than to the responsibility right of the license owner. Requests for the sale of liquor will no longer be issued through Special Use Permits, but will be controlled through the liquor license aspect.

Administrative adjustments – The new ordinance will consolidate those items that are of less significance but subject to certain standards (i.e. Performance Use requirements) that can be approved administratively rather than going through the zoning application process.

Mr. Cagnoni explained changes pertaining to non-conformance structures. The addition of specific language consistent with policies of past Zoning Board and City Council decisions was added. Through the Zoning Board and City Council, legal non-conforming uses have been made conforming to allow reinvestment in the property through a Special Use Permit on an individual basis. Input from a number of neighborhood associations indicate that encouragement to reinvest in these areas should be allowed for those structures originally built as 2, 3 and 4 families. If destroyed beyond the control of the owner by 50% or more, the new code would allow the structure to be rebuilt as designated in the original construction. For example, if a structure was built as a two-unit and then converted to a three unit whether legally or illegally, and it were destroyed beyond 50%, it would be allowed to be rebuilt to the original structure of two units. This encourages reinvestment and also protects the integrity of the original neighborhood.

At this point, Chairman Morgan asked for Public input.

Marvin Keys - First Rockford Group Mr. Keys requested that the vote be laid over to allow time for his organization to study the proposed changes. He distributed a letter listing their concerns:

1. Residential Zoning – Mr. Keys stated street lights, the one extra landscaping tree, and 2% engineering fee adds a 30% increase on their cost. The majority of new home market demands a 3 car garage. Mr. Keys felt the requirement of some lots to have side entrance garages require a larger lot which will cause the developer to increase the price of the home because they cannot build as many houses.
2. Mr. Keys stated when a subdivision with 70 or more homes is required to go through the Planned Residential Development process, there is no guarantee on how it will be approved.
3. Landscaping / Parking – Mr. Keys expressed concern with existing non conforming parking lots having to meet existing parking requirements when changed or resurfaced. He felt adding internal landscaping will cost 2 parking slots per area. He felt there was not enough parking required in some areas such as medical use, and too much parking required in others. His concern is that potential tenants may not be able to meet parking requirements. First Rockford Group would like to see water features considered as a landscaping credit.
4. Commercial – PUD process. Mr. Keys stated the requirement of a PUD for every property over 10 acres does not encourage growth because of the uncertainty of approval. He felt the 10 acre limit for a big box user, for example, is too low.
5. Bicycle parking – Mr. Keys felt the imposing an allowance for bicycle parking is not reasonable for Rockford.

Dennis Sweeney, Home Builders Association of Rockford

Mr. Sweeney stated some design elements in the new ordinance will increase cost of homes. The garage requirements will required 15%-20% increase in lot cost. The minimum lot cost for the builder will increase over \$3,300. He stated buyer cost will then increase higher than the building cost.

Doc Slafkoski – J.R. Cortman Center for Design

Mr. Slafkoski stated he has been located in downtown Rockford since 1986. He received city funding to locate downtown. He said at the time he was looking for funding, the bank told him downtown was not secure in the type of development that would surround business. He stated retail use makes a lively downtown and that all successful downtown's have retail for their base. He is asking that some areas be designated for retail use. He felt the proposed ordinance is not specific enough to create retail in the downtown area. Potential retailers need to know the area is secured for this use. Mr. Slafkoski stated downtown is competing against Malls. Malls work effectively because use of the space is controlled and Rockford needs to create this same affect downtown.

Chuck Thompson – William Charles Investments

Mr. Thompson also requested that a vote be delayed in order to work with Staff on the concerns of his company with some of the changes proposed. He felt the side load garage design creates restrictions. He gave an example of the Harrison Park subdivision, stating over 40% of the homes would not have been able to be built under the new ordinance. He felt it would be necessary to add more pavement with side and rear garages. Wider width of lots and more windows would be required.

Joe Contarino – Contry Homes

Mr. Contarino shared the concern of what builders felt would be an impact on the cost of new construction and also asked the Board to lay over this item. He stated this requirement would make homes less affordable for future home owners. He felt the Rockford ordinance is more restrictive than surrounding areas at a cost to the developer and potential home buyer.

Gary Oehlberg – Oehlberg Construction

Mr. Oehlberg agreed that more time was needed to address those areas of change that he felt concerned the construction industry. Mr. Oehlberg stated his upper end work has gone out to Belvidere and Boone Counties. He gave an example of Deer Woods in Belvidere. He stated Deer Woods II was the first to approve Belvidere's new subdivision restrictions and it delayed this project for 5-6 months. He stated Belvidere rewrote the ordinance because of limitations and restrictions.

Ron Clewer – William Charles Investments

Mr. Clewer felt the downtown area of the ordinance was counterproductive as it relates to artists housing. He felt in order to make downtown productive, the city needs to create a zoning overlay to attract creative artists business. He requested more time study the ordinance, asking that this item be laid over at this time.

Gary Anderson, Architect

Mr. Anderson explained that he was on the Zoning Advisory Committee. He asked if affordability should be at the expense of what a house looks like. He stated the feeling of many homeowners is that Rockford subdivisions are known as "garageville" design. They would like the opportunity to have a design that is not taken over by the automobile. He felt Rockford is trying to raise the bar with the proposed ordinance and affordable housing is still possible.

Scott Sanders – Landscape Architect

Mr. Sanders stated he was also on the Advisory Committee. He stated there are a lot of very favorable aspects of the proposed ordinance. Encouraging redevelopment, new development downtown, airport district development, and riverfront protection are all positive. He feels that saying an attempt to upgrade is an attempt against development is incorrect. The landscaping ordinance was good in the past, but the new ordinance causes development to rethink the lot to prevent seas of asphalt. Regarding existing non-compliance structures, he stated just because something was built at one time in non-conformance doesn't mean we want it to be that way forever. Staff has flexibility to make adjustments that still speak to the spirit of the ordinance. He stated improving property does not mean it is not useable anymore.

Steven Zentz – Zentz & Associates

Mr. Zentz stated he is in agreement with the new landscaping requirements. He added that Rockford used to be called the Forest City and it would be nice to make it the Forest City again.

Mr. Cagnoni explained that this meeting is not the end of the process of approval for the new Ordinance, but rather the middle. Public meetings have been held and input from those and this meeting will be passed on to City Council and the Codes and Regulations Committee. Details and concerns will be worked out at the policy level at the Codes & Regulations Committee. This decision will not be acted upon by City Council for at least 30 days. Mr. Cagnoni asked the Board to vote this date so that discussion can move forward to create standards that are acceptable to the community as a whole. He further explained there are meetings scheduled to discuss these matters with the Realtor Association and Home Builders.

After public participation, the Board felt it was not necessary for Staff to respond to individual areas at this time.

Chairman Morgan stated the Advisory Committee was comprised of a cross section of the community and was a reflection of what people in the city are like. He stated growth around the airport will create an opportunity to attract people to create business to Rockford. He stated he has often heard people ask why the City allowed East State Street to develop in the manner in which it did with big box stores and chains and fast food restaurants that are not aesthetically pleasing. He stated the city has catered to any development due to its hunger for growth and has lowered the bar on expectations. Chairman Morgan stated it is time to raise the bar - development will still be here, homes will still be built, people will still come and businesses will be attracted to the city of Rockford.

Fred Money asked Staff if people who spoke tonight will have an opportunity to have their concerns addressed. Todd responded that with certainty concerns brought this evening will be addressed and brought to the attention of the Codes and Regulations Committee both by Staff and through the minutes of this meeting. The Mayors office has requested Staff to meet with various associations to discuss and work with all concerns. He explained there is a built-in layover of this process. The goal for adoption of the new ordinance is January 1, 2008, which will allow ample time for addressing issues of concern. Chairman Morgan stated special interest groups and citizens need to be addressed and not just developers and builders.

Dan Roszkowski stated working in Rockford is a lot easier than working in some other communities. Rockford has worked well with people to try to bring them into Rockford. He felt raising the bar in both commercial and residential development is very important. He stated we have poor quality buildings built in this town rather than some with better quality materials and landscaping. We have overlooked what our community could have been and it is time to start addressing these issues. He stated complying with the new ordinance will cause a little creativity on the part of developers, but it can happen. He expressed he would like to have the Board move forward this evening with a vote of Approval.

Alice Howard stated she has been selling real estate for 20 years and was on the Advisory Committee. She said people are not wanting to buy garages, but houses, and change is not always bad. She felt we as a city can make our houses and commercial properties look a lot better than what they do.

Attorney Partridge advised the Board that since this is a joint meeting of the Zoning Commission and Zoning Board of Appeals, separate votes will be necessary.

Zoning Commission Vote:

A **MOTION** was made by Tom Przytulski to **APPROVE** the Revised City of Rockford Zoning Ordinance in its entirety. The Motion was **SECONDED** by Alice Howard and **CARRIED** by a vote of 7-0.

Zoning Board of Appeals Vote:

A **MOTION** was made by Fred Money to **APPROVE** the Revised City of Rockford Zoning Ordinance in its entirety. The Motion was **SECONDED** by William Orr and **CARRIED** by a vote of 7-0.

With no further business to come before the Board, the meeting was adjourned at 8:20 P.M.

Respectfully submitted,
Sandra A. Hawthorne, Administrative Assistant
Planning & Zoning Division / Community Development Department